

REMARKS

Claims 19-36 are pending and stand rejected. Applicants have thoroughly reviewed the outstanding Office Action, including the Examiner's remarks and the references cited therein. Claim 19 is amended above. Support for the amendments to claim 19 is found in the first paragraph of the Detailed Description of the Invention on page 8; no new matter has been added.

The amendments made to claim 19 are responsive to the Examiner's suggestion in the Office Action to clearly claim the automatic loading and unloading conveyor, an amendment that the Examiner indicates most likely overcomes the rejections relying on U.S. Patent No. 2,397,776 to Cook ("Cook"). Since all standing rejections rely primarily on Cook, Applicants submit that the amendments made above overcome all standing rejections, thus placing the application in condition for allowance. In the alternative, Applicants submit that the amendments place the application in better condition for appeal. Applicants therefore respectfully request entry of the amendments to claim 19.

Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 19-24, 26, 28, 29, 31-33, and 36 under 35 U.S.C. § 103 as obvious over Cook in view of U.S. Patent No. 2,775,187 to McClurkin ("McClurkin"). The Examiner rejects claim 25 as obvious over Cook and McClurkin in view of U.S. Patent No. 5,461,878 to Moore et al. ("Moore"). Claim 30 stands rejected as obvious over Cook and McClurkin in view of U.S. Patent No. 1,819,231 to Crawford et al. ("Crawford"). The Examiner rejects claims 27 and 35 over Cook and McClurkin in view of U.S. Patent No. 5,425,793 to Mori et al. ("Mori"). Claim 34 is rejected over Cook and McClurkin in view of U.S. Patent No. 6,595,429 to Carlson et al. ("Carlson").

To establish a *prima facie* case of obviousness, the Examiner must demonstrate some suggestion or motivation to combine one or more references, with a reasonable expectation of success, to teach each and every claimed limitation. MPEP § 2142. Applicants submit that the Examiner has failed to meet this standard.

Claim 19 recites "[a] climatic cabinet comprising...*an automatic transporting device* configured to load and unload the holding rack with the specimen slides...." (emphasis added).

As argued by Applicants in the paper filed December 23, 2005, and as the Examiner acknowledges in the Office Action, the cited references clearly do not teach an automatic transporting device for loading and unloading the interior of a climatic chamber. As the Examiner properly acknowledges, the operator loads trays 25 *manually*; the conveyor system of Cook is analogous to Applicants' holding rack or carousel 5, not the claimed automatic transporting device 7. Nor does the Examiner rely on McClurkin to cure this shortcoming, citing it only to teach the addition of a gas curtain. Thus, the asserted combination of references fails to teach each and every element recited in claim 19.

For at least the foregoing reasons, the asserted combination of references fails to establish a *prima facie* case of obviousness as to claim 19. The remaining claims depend from claim 19. As stated by the Examiner, Moore, Crawford, Mori, and Carlson all fail to cure the deficiencies of the combination of Cook and McClurkin with respect to claim 19, and therefore do not result in a *prima facie* case of obviousness as to the claims against which they are asserted. Applicants therefore submit that the present invention is patentably distinguished over the prior art, and accordingly respectfully request withdrawal of all rejections.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and request that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

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Patent

No extension of time or fee is believed necessary for the consideration of this paper. In the event an extension of time is required for this paper to be considered timely, Applicants hereby make a conditional petition for any such extensions. Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87333.3281.

Respectfully submitted,

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